

**REMARKS**

Claims 1-9, 11-12, 14-16, 18-21, 23-26 are pending in the application; claims 25 and 26 have been added.

**Claim Objections**

Claims 11, 12 and 14 have been corrected with regard to their dependency.

**Rejection under 35 U.S.C. 103**

Claims 1, 3-5, 11, 12, 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Gold* (US 6,100,603) and *Reinicke* (US 5,375,811).

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Gold* (US 6,100,603) and *Reinicke* (US 5,375,811) and further in view of *Desatoff* (US 5,694,115).

Claims 6-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Gold* (US 6,100,603) and *Reinicke* (US 5,375,811) and further in view of *Gnadinger* (US 6,268,796).

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Gold* (US 6,100,603) and *Reinicke* (US 5,375,811) and further in view of *Palmer et al* (US 5,942,997).

Claims 14-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Gold* (US 6,100,603) and *Reinicke* (US 5,375,811) and further in view of *Matsuhashi et al.* (US 5,541,588).

Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Gold* (US 6,100,603) and *Reinicke* (US 5,375,811) and further in view of *Cividino et al.* (US 5,869,969).

Claim 1 has been amended to define the actuator more precisely. An actuator element is provided that sends a signal wireless to the control for triggering a release action of the release device. The control that acts on the release device comprises an oscillator and at least one antenna, wherein the at least one antenna is part of the oscillator; the control comprises a rectifier arranged downstream of the oscillator, wherein the output signal of the rectifier is supplied to a comparator and wherein the comparator generates a control signal at an output of the comparator and the control signal releases

the release device. Support for this feature can be found in the specification on page 4, lines 16-19, and in the paragraph bridging pages 6 and 7.

The examiner argues that the cited prior art reference to Gold (U.S. 6,100,603) in combination with Reinicke (U.S. 5,375,811) makes obvious the present invention. The Examiner states that Gold lacks that teaching of a rectifier arranged downstream of the oscillator wherein the output signal of the rectifier is supplied to the comparator. The Examiner further states that the secondary reference discloses such features as exemplified in Fig. 6 of the secondary reference. Claim 1 sets forth that the comparator generates a control signal at the output and that the control signal releases the release device.

The secondary reference discloses in connection with Fig. 6 (compare col. 5, lines 29-56) an external electronics circuit that indicates the magnetically latched position of the armature 25. The LC circuit comprising a capacitor 51, having a coil 14 serving as the inductor, is designed to resonate at the slightly reduced coil inductance of the "valve-open" position so that the output of the tuned circuit is large. The tuned circuit output is rectified and integrated at 52 and the output is monitored by a comparator circuit 53 that generates a "valve open" output logic signal at 54. Once the valve is closed again, the increased coil inductance reduces the output of the circuit causing the inverting comparator circuit 55 to generate "valve closed" output signal at 56. The disclosed LC circuit is therefore only an indicator of the valve position. The generation of a control signal that activates or releases a release device is not disclosed. The disclosed circuit in combination with the cited object of the prior art reference ("It is a specific object to achieve the above object with substantially reduced susceptibility to false, i.e., unwanted, operation."; col. 1, lines 38-40) cannot provide a suggestion to use the disclosed circuit that is simply an indicator of the valve position as a circuit for generating a control signal that releases the release device; applying the teaching of the secondary reference to the device of Gold would simply suggest to combine the anti-theft system with an indicator for the position of the door locks etc. and not as an active control part for releasing a release device.

Claim 1 as amended is therefore believed to be allowable together with its dependent claims.

As disclosed in the instant specification, the actuator can be used for opening the

trunk lid, the hood of the engine compartment, the glove box of the motor vehicle as well as the rear window provided in a rear hatch.

The specific embodiment of claims 25 and 26 relates to the release device acting on a rear window of the motor vehicle that is mounted to be pivotable relative to a carbody part of the motor vehicle. The rear window is released when the control signal releases the release device. Such an arrangement is not disclosed in any of the cited prior art references.

Claim 26 further defines that the at least one actuator element is mounted on the rear window and that the control is mounted on the car body part. The actuator further comprises a passive receiver mounted on the rear window, wherein the at least one actuator element is a momentary-contact pushbutton that forms a part of the passive receiver.

According to this specific embodiment, the control (the sender 7 having an oscillator with antenna, rectifier and comparator) is mounted on the carbody part while the passive receiver including the actuator element in the form of a momentary contact pushbutton is mounted on the pivotable rear window. This is described in the specification on page 3, lines 18-19; page 4, lines 3-9). When the rear window is released, the receiver 39 and push button 1 are pivoted together with the rear window, while the sender 7 (control) remains stationary on the rear hatch 38 (see Fig. 4).

Such an arrangement is not shown in the prior art references. Claims 25 and 26 are believed to be allowable in view of the cited prior art.

#### ALLOWABLE SUBJECT MATTER

Claims 18, 20, 21, 23, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

It is respectfully submitted that claim 23 has already been rewritten in independent form and is therefore allowable together with dependent claims 18 and 24.

Claims 20 and 21 have been amended to include the features of claim 1, respectively, and are thus in allowable form.

The number of independent claims is now four. Please charge the required fee for one extra claim in excess of three (\$86.00) to Patent and Trademark Office deposit

account 50-1199.

**CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

**Please note the attached change of correspondence address form and direct all future correspondence to the address and contact information associated with the customer number provided on the form.**

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on April 15, 2004,

  
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